IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 4965 of 2005(N)

PETITIONER:

N.ANIRUDHAN, S/O. NARAYANAN,
LAL SADANAM, EZHUKONE P.O., KOLLAM DIST.

BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI

RESPONDENTS:

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1. THE DISTRICT ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, KOLLAM.

2. THE EZHUKONE GRAMA PANCHAYAT,
EZHUKONE P.O., REPRESENTED BY ITS SECRETARY.

3. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

4. SRI.L.SASIDHARAN,
VADAKKE ALUVILA VEEDU, KOLANNUR, EDAKKIDAM,
EZHUKONE, KOLLAM DIST.

R1 BY ADV. SRI.M.K.CHANDRAMOHAN DAS, SC
R4 BY ADV. SRI.G.D.PANICKER
SMT.JEENA JOSEPH
R2 BY ADV. SRI.K.J.JOSE
R3 BY GOVT.PLEADER SRI.K.J.MOHAMMED ANSAR.

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THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C) No.4965 OF 2005

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DATED THIS THE 15TH DECEMBER, 2006

J U D G M E N T

Counsel for the Panchayat would submit that all the licences which had been issued to the 4th respondent have now been cancelled by the Panchayat.

2. Mr.T.Ramprasad Unni, counsel for the petitioner would refer to the order dated 30.1.2006 passed by this Court which order was passed after hearing all parties. That order, counsel submitted, restrains the 4th respondent absolutely from carrying on any activity at all. Counsel further submitted that in view of the subsequent event of cancellation of all licences issued to the 4th respondent, this Court will be justified in closing the Writ Petition for that reason.

3. Counsel for the 4th respondent would submit that the reason for cancellation of the licences which the 4th respondent was having from the Panchayat all these years was only the interim order dated 30.1.2006. The said interim order, counsel submitted, was passed due to the reason that the appeal preferred before the Tribunal was dismissed by the Tribunal. The appeal preferred before the Tribunal pertained only to the licence relating to chilly powder unit. But what the Panchayat has done is to cancel the licences relating to oil mill and

rice mill also.

4. Whatever that be, when the counsel for the petitioner submits that it may not be necessary for this Court to grant any relief. I am of the view that the Writ Petition is only to be closed on that basis. However, considering the case of the 4th respondent that in spite of the order of the Tribunal, it may be possible for the Panchayat to issue a fresh licence at least for rice mill and oil mill, even as I close the Writ Petition, there will be a further direction to the Panchayat to consider the application for licence, if any, to be submitted by the 4th respondent and dispose of the same in accordance with law without delaying matters. The Panchayat will certainly examine the scope of the Tribunal's order and the difference in the pollution potentiality of a chilly powder unit and rice/oil mill while taking decision. The Panchayat will hear the writ petitioner also before any orders are passed on the licence application to be submitted by the 4th respondent.

(PIUS C. KURIAKOSE, JUDGE)

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